

NO. 24-1336

IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

HEALTHESTATE, LLC,
Plaintiff-Appellant,

v.

UNITED STATES, ASM RESEARCH, LLC,
Defendants-Appellees.

On Appeal From the United States Court of Federal Claims
No. 1:18-cv-00034-KCD

**PLAINTIFF-APPELLANT'S UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE THE JOINT APPENDIX**

BRYANT S. BANES

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July 3, 2024

Attorney for Appellant

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COMES NOW, Appellant, HealtheState, LLC (“Appellant” or “HeS”), and files this, its Unopposed Motion for Extension of Time to File the Joint Appendix, pursuant to Federal Rule of Appellate Procedure 26 and Federal Circuit Rule 26(b), and respectfully shows the Court as follows:

On July 3, 2023, Appellant received the draft Joint Appendix from Appellees. All parties are working diligently to ensure the accuracy of the Joint Appendix. Pursuant to Federal Circuit Rules 26 and 27(a)(2), Appellant conferred with counsel for Appellees regarding a seven (7) day

extension to file the Joint Appendix. Counsel for Appellees did not oppose.

Pursuant to Federal Rule of Appellate Procedure 26 and Federal Circuit Rule 26(b), Appellant respectfully moves for an extension of time seven (7) days, from July 5, 2024, to and including July 12, 2024, to file the Joint Appendix. Good cause exists for this requested extension. The Joint Appendix is complex in nature given the substantial size of the record. The extension is sought as a matter of prudence to ensure adequate time to prepare a brief of desired and appropriate quality.

For these reasons and because the extension is unopposed, good cause exists for the requested extension.

CONCLUSION

For the foregoing reasons, Appellant asks the Court for a seven (7)-day extension of the deadline for filing the Joint Appendix from July 5, 2024, to July 12, 2024.

Respectfully submitted,

NEEL, HOOPER & BANES, P.C.

BY: _____

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ATTORNEY FOR APPELLANT

CERTIFICATE OF SERVICE

I hereby certify that on **July 3, 2024**, I electronically filed this document with the clerk of the court for the Federal Circuit Court of Appeals, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Docket Activity” to the following attorneys of record who have consented in writing to accept this notice as service of this document by electronic means:

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**DECLARATION OF BRYANT S. BANES IN SUPPORT OF
PLAINTIFF-APPELLANT'S MOTION FOR EXTENSION OF
TIME TO FILE THE JOINT APPENDIX**

I, Bryant S. Banes, declare as follows:

1. I submit this declaration pursuant to Federal Circuit Rule 26(b)(3) in support of Plaintiff-Appellant's Motion for Extension of Time to Joint Appendix.

2. I am the lead attorney and managing shareholder at the law firm of Neel, Hooper & Banes, P.C.

3. Plaintiff-Appellant requests an extension of time to allow sufficient time to prepare the Joint Appendix. The record in this matter is substantial and counsel for Defendants-Appellees and I are working diligently to ensure the Joint Appendix's accuracy.


4. Pursuant to Federal Circuit Rules 26 and 27(a)(2), counsel for Plaintiff-Appellant conferred with counsel for Defendants-Appellees on July 3, 2024, regarding this extension request. Counsel for Defendants-Appellees have indicated that they do not oppose this Motion.

5. Plaintiff-Appellant respectfully requests a seven (7) day extension to file the Joint Appendix from July 5, 2024, to and including July 12, 2024.

6. Under these circumstances, Plaintiff-Appellant respectfully submits that good cause exists for the requested extension of time.

7. I declare under penalty of perjury under 28 U.S.C § 1746 that the foregoing is true and correct.

Date: July 3, 2024


BY: 
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ATTORNEY FOR APPELLANT

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT****CERTIFICATE OF INTEREST****Case Number** 24-1336**Short Case Caption** HealtheState, LLC v. US**Filing Party/Entity** Appellant, HEALTHeSTATE, LLC**Instructions:**

1. Complete each section of the form and select none or N/A if appropriate.
2. Please enter only one item per box; attach additional pages as needed, and check the box to indicate such pages are attached.
3. In answering Sections 2 and 3, be specific as to which represented entities the answers apply; lack of specificity may result in non-compliance.
4. Please do not duplicate entries within Section 5.
5. Counsel must file an amended Certificate of Interest within seven days after any information on this form changes. Fed. Cir. R. 47.4(c).

I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: 07/03/2024Signature: Name: Bryant S. Banes

1. Represented Entities. Fed. Cir. R. 47.4(a)(1).	2. Real Party in Interest. Fed. Cir. R. 47.4(a)(2).	3. Parent Corporations and Stockholders. Fed. Cir. R. 47.4(a)(3).
Provide the full names of all entities represented by undersigned counsel in this case.	Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities. <input checked="" type="checkbox"/> None/Not Applicable	Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities. <input checked="" type="checkbox"/> None/Not Applicable
HEALTHeSTATE, LLC		

☐ Additional pages attached

4. Legal Representatives. List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

☒ None/Not Applicable ☐ Additional pages attached

5. Related Cases. Other than the originating case(s) for this case, are there related or prior cases that meet the criteria under Fed. Cir. R. 47.5(a)?

☐ Yes (file separate notice; see below) ☒ No ☐ N/A (amicus/movant)

If yes, concurrently file a separate Notice of Related Case Information that complies with Fed. Cir. R. 47.5(b). **Please do not duplicate information.** This separate Notice must only be filed with the first Certificate of Interest or, subsequently, if information changes during the pendency of the appeal. Fed. Cir. R. 47.5(b).

6. Organizational Victims and Bankruptcy Cases. Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6).

☒ None/Not Applicable ☐ Additional pages attached

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT****CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITATIONS****Case Number:** 24-1336**Short Case Caption:** HealtheState, LLC v. US**Instructions:** When computing a word, line, or page count, you may exclude any items listed as exempted under Fed. R. App. P. 5(c), Fed. R. App. P. 21(d), Fed. R. App. P. 27(d)(2), Fed. R. App. P. 32(f), or Fed. Cir. R. 32(b)(2).

The foregoing filing complies with the relevant type-volume limitation of the Federal Rules of Appellate Procedure and Federal Circuit Rules because it meets one of the following:

- ☒ the filing has been prepared using a proportionally-spaced typeface and includes 411 words.
- ☐ the filing has been prepared using a monospaced typeface and includes _____ lines of text.
- ☐ the filing contains _____ pages / _____ words / _____ lines of text, which does not exceed the maximum authorized by this court's order (ECF No. _____).

Date: 07/03/2024

Signature: _____



Name: _____

Bryant S. Banes